

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELROY L. WABASHAW,

Petitioner,

vs.

JAMES JANSEN, OCC;

Respondent.

**8:24CV312**

**MEMORANDUM AND ORDER**

On December 13, 2024, Petitioner Elroy L. Wabashaw filed an unsigned “Motion Opposing Dismissal” (hereinafter “Response”), [Filing No. 10](#), in response to the Court’s November 19, 2024, order to show cause, [Filing No. 9](#). Also on December 13, 2024, the Clerk of Court advised Petitioner that his Response was unsigned and therefore deficient. The Clerk of Court directed Petitioner to “correct the deficiency” (i.e., file a signed Response) within 14 days, or the pleading “may be stricken from the record of this case.” [Filing No. 11](#) (text notice of deficiency). Petitioner has failed to follow the Clerk of Court’s directions.

Accordingly, the Court shall order Petitioner to file a signed Response that complies with [Federal Rule of Civil Procedure 11](#) and the Court’s Local Rules. This matter cannot proceed until the foregoing deficiency is corrected. FAILURE TO CORRECT THE DEFECT WITHIN 30 DAYS WILL RESULT IN DISMISSAL OF THE PETITION WITHOUT FURTHER NOTICE.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to correct the above-listed technical defect on or before **February 12, 2025**. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.
2. The Clerk of Court is directed to send to Petitioner a copy of page 5 of his Response, [Filing No. 10 at 5](#).
3. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **February 12, 2025**: deadline to submit signed Response.
4. No further review of this case shall take place until Petitioner complies with this Memorandum and Order.

Dated this 13th day of January, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "JF Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge